



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.  
ATLANTA, GEORGIA 30365

JUN 03 1991

4RC

GENERAL AND SPECIAL NOTICE LETTER  
FOR REMEDIAL DESIGN/REMEDIAL ACTION (RD/RA)  
URGENT LEGAL MATTER--PROMPT REPLY REQUESTED  
CERTIFIED MAIL--RETURN RECEIPT REQUESTED

National Starch & Chemical Corporation  
Finderne Avenue  
P.O. Box 6500  
Bridgewater, N.J. 08807

RE: The Medley Farm Site (the "Site")  
Gaffney, South Carolina

Dear Sir or Madam:

This letter notifies you that National Starch & Chemical Corporation ("National Starch") may be a liable party within the meaning of and as set forth in Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9607(a), as amended, with respect to the above-referenced Site.

As the enclosed Record of Decision details, the United States Environmental Protection Agency ("EPA") has documented the release or threatened release of hazardous substances, pollutants and contaminants at the above-referenced Site. EPA is considering spending public funds to abate the releases or threatened releases of hazardous substances, pollutants or contaminants by undertaking the response actions pursuant to Section 104 of CERCLA, 42 U.S.C. § 9604, unless the Agency determines that such action will be done properly by a potentially responsible party (a "PRP"). By this letter, EPA is notifying PRPs of the opportunity to perform the response activities outlined below.

In addition, this letter serves three other purposes: (1) to demand reimbursement of response costs that have been incurred at the Site, including interest thereon; (2) to notify you that a 60-day period of formal negotiations with EPA automatically begins upon receipt of this notice, which EPA has deemed to be three calendar days from the date of this letter; and (3) to provide general and site-specific documentation in order to assist you in the negotiation process. Such documentation includes a draft Consent Decree, a copy of the Record of Decision, and a draft Scope of Work. EPA reserves the right to



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make certain additional changes in the Consent Decree and Scope of Work prior to finalization of such documents.

#### NOTICE OF POTENTIAL LIABILITY

PRPs under CERCLA include: the current owners or operators of the Site; persons who at the time of disposal of hazardous substances owned or operated the facility; persons who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for disposal or treatment of hazardous substances; and persons who accept or accepted any hazardous substance for transport to disposal facilities and selected such facilities.

Under CERCLA and other laws, potentially responsible parties may be liable for all funds expended by the United States government to take necessary corrective action at a site, including planning, investigation, cleanup and enforcement activities associated with a site. In addition, potentially responsible parties may be required to pay damages for injury to natural resources or for their destruction or loss, together with the cost of assessing such damages.

Based on information received during litigation and the investigation of this Site, EPA believes that National Starch is a generator of hazardous substances at the Site and a responsible party under Section 107 of CERCLA, 42 U.S.C. § 9607(a). Before the government undertakes further response actions, EPA requests that the PRPs voluntarily perform the work necessary to prevent any releases or threatened releases of hazardous substances from the Site.

#### SPECIAL NOTICE AND NEGOTIATION MORATORIUM

EPA encourages good faith negotiations between National Starch and EPA and between National Starch and other PRPs regarding the response actions required at the Site. In accordance with Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), EPA is providing as Enclosure A to this letter, a PRP information package which includes a list of names and addresses of other PRPs receiving this notification.

EPA has determined that a period of negotiation would facilitate settlement between EPA and the PRPs. Pursuant to Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), a 60-day moratorium on certain EPA response activities at the Site will begin seven calendar days from the date of this letter. During this 60-day period, the PRPs, including National Starch, are invited to participate in formal negotiations with EPA and to negotiate a

settlement providing for the PRPs to conduct or finance the Remedial Design/Remedial Action ("RD/RA") at this Site. The 60-day negotiation period will be continued for an additional 60 days if, within the initial 60-day period, the PRPs provide EPA with a good faith offer to conduct or finance the RD/RA. If a settlement is reached between EPA and the PRPs within the 120 day moratorium period, the settlement will be embodied in a Consent Decree for the RD/RA.

Pursuant to Section 122(e)(4) of CERCLA, 42 U.S.C. § 9622(e)(4), if a good faith offer is not received within the initial 60-day notice period, EPA may take appropriate action at the Site. Moreover, EPA reserves the right to take action at any time at the Site in the event that a significant threat requiring EPA's immediate response arises.

A good faith offer is a written proposal which demonstrates the PRPs' qualifications and willingness to conduct or finance the RD/RA. A good faith offer to conduct or finance the RD/RA must include the following elements:

1. A statement of willingness by the PRPs to conduct or finance the RD/RA which is consistent with the draft Consent Decree, Scope of Work, and Record of Decision and which provides a sufficient basis for further negotiations.
2. A response to the terms of the draft Consent Decree and enclosed Scope of Work.
3. A demonstration of the PRPs' technical capability to carry out the RD/RA including the identification of the firm(s) that would be used to conduct the work or a description of the process that will be used to select the firm(s).
4. A demonstration of the PRPs' capability and willingness to finance the RD/RA.
5. A statement of the PRPs' willingness to reimburse EPA for costs incurred in overseeing the PRPs' conduct of the RD/RA.
6. The name, address and telephone number of the party or steering committee who will represent the PRPs in negotiations.

### ADMINISTRATIVE RECORD

Pursuant to Section 113(k) of CERCLA, EPA has compiled the administrative record which contains documents that form the basis of EPA's decision on the selection of a response action for the Site. This administrative record is open to the public for inspection and comment at the Cherokee County Public Library, 300 E. Rutledge Street, Gaffney, South Carolina and at the EPA Library, 345 Courtland Street, N.E., Atlanta, Georgia

### DEMAND FOR PAYMENT

In accordance with CERCLA, EPA has already undertaken certain actions and incurred costs in response to conditions at this Site. Those response actions include oversight of the conduct of the Remedial Investigation/Feasibility Study (the "RI/FS"). The cost to date of the response actions performed at the Site through EPA funding which have not been reimbursed by the PRPs is approximately \$93,660.29. Pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607, EPA hereby demands payment of the above-stated amount, together with any and all interest recoverable by law.

As stated above, EPA anticipates expending additional funds to conduct the RD/RA at this Site. Whether EPA funds the entire RD/RA or simply incurs costs in overseeing the parties conducting these response activities, you are potentially liable for these expenditures plus interest.

### PRP STEERING COMMITTEE

EPA recommends that all PRPs meet to select a steering committee responsible for representing the group's interests. Establishing a manageable group is critical for successful negotiations with EPA. Alternatively, EPA encourages each PRP to select one person from its company or organization who will represent its interests. Certain of the PRPs at this Site formed a steering committee in connection with the conduct of the Remedial Investigation/Feasibility Study for the Site. This steering committee has been chaired by the law firm of King & Spalding, Atlanta, Georgia.

### PRP RESPONSE AND EPA CONTACT PERSON

Section 122(e) of CERCLA, 42 U.S.C. § 9622(e) provides that National Starch has 60 days to make a good faith offer to EPA. However, you are requested to contact EPA in writing within twenty (20) calendar days of the date of this letter to indicate whether you wish to participate in negotiations to undertake or finance the RD/RA at this Site.

You may respond individually or through a steering committee if such a committee has been formed. Your letter should include

the appropriate person's name, address and telephone number for further contact with you.

If EPA does not receive a timely response, EPA will assume that National Starch does not wish to negotiate a resolution of its liabilities in connection with the response, and that National Starch has declined any involvement in performing these response activities. National Starch may be held liable hereafter under Section 107 of CERCLA, 42 U.S.C. § 9607, for the cost of the response actions which EPA performs at the Site and for any damages to natural resources.

Your response to this notice letter should be sent to:

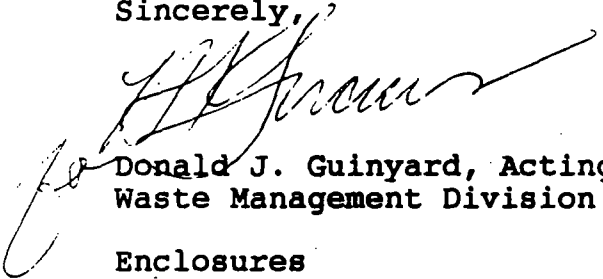
Elaine G. Levine  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
345 Courtland Street, N.E.  
Atlanta, Georgia 30365  
404/347-2641

If you have any legal questions pertaining to this matter, please direct them to Ms. Levine. Questions of a technical nature only should be directed to Ralph Howard or Jon Bornholm, Remedial Project Managers, at 404/347-7791.

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond promptly, EPA strongly encourages you to give this matter your immediate attention and to respond within the time specified above.

Thank you for your cooperation in this matter.

Sincerely,



Donald J. Guinyard, Acting Director  
Waste Management Division

Enclosures

cc: South Carolina Department of  
Health and Environmental Control

Adam Kushner, Esq.  
U.S. Department of Justice

Mr. James Lee  
Regional Environmental Officer  
U.S. Department of the Interior

South Carolina Natural Resources Trustee

ENCLOSURE A

LIST OF POTENTIALLY RESPONSIBLE PARTIES  
MEDLEY FARM SUPERFUND SITE, GAFFNEY, S.C.

1. Ralph Medley  
Route 7, Box 197  
Gaffney, SC 29340
2. Clyde Medley  
Route 7, Box 197  
Gaffney, SC 29340
3. Milliken & Company  
P.O. Box 817  
Inman, SC 29349
4. Unisphere Chemical Corporation  
c/o Mr. Carlos Gutierrez  
Route 4, Box 253-B  
Spartanburg, SC 29304
5. National Starch & Chemical Corporation  
Finderne Avenue  
P.O. Box 6500  
Bridgewater, NJ 08807
6. ABCO  
P.O. Box 335  
Roebuck, SC 29376
7. BASF Corporation  
100 Cherry Hill Road  
Parsippany, NJ 07054
8. Colonial Heights Packaging, Inc.  
f/k/a Polymer Industries  
c/o Nancy K. Peterson, Esq.  
Quarles & Brady  
411 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-4497
9. Evode-Tanner Industries, Inc.  
P.O. Box 1967  
Greenville, SC 29602
10. Ethox Chemicals, Inc.  
P.O. Box 5094  
Greenville, SC 29606

11. McKesson Corporation  
Law Department  
One Post Street  
San Francisco, CA 94104-5296  
Attn: Dinah Szander, Esq.
12. Specialty Industrial Products, Inc.  
P.O. Box 19390  
Spartanburg, S.C. 29318  
Attn: Mr. Michael Flanagan